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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAT.APP.(F.C.) 185/2016

VISHAL

..... Appellant

Represented by: Ms.Geetanjali Mohan,
Advocate with Mr.Sultan
Chowdhary, Advocate

versus

SONIA

..... Respondent

Represented by: None

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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06.12.2016

CM No.45239/2016

Allowed subject to just exceptions.

CM No.45240/2016

For the reasons stated in the application 718 days delay in filing the appeal is condoned.

Application is allowed.

MAT.APP.(F.C.) 185/2016

1. Having heard learned counsel for the appellant we find no merit in the appeal. Learned counsel for the appellant concedes that from the account of appellant's father, upon acquisition of ancestral agricultural land, the appellant received about ₹1.75 crores towards his share in the compensation. Learned counsel admits that several electricity connections exist in the name

of the appellant in immovable properties in village Chilla. Learned counsel for the appellant further admits that the children of the couple are studying in a premier school. Appellant claims his monthly expenses to be ₹1.5 lacs.

2. We note that maintenance awarded to the respondent is ₹40,000/- per month on the reasoning that the respondent is entitled to same lifestyle as she was used to in the matrimonial house.

3. Argument of the learned counsel for the appellant that merely because the appellant has several electricity connections in his name is not enough to assume that he earns rental income. Counsel states that the immovable properties in question are owned by father of the appellant. Questioned as to how come the appellant has obtained electricity connections in his name, learned counsel has no answer. From the fact that over ₹1.75 crores, towards appellant's share of compensation in ancestral agricultural lands when they were acquired were paid by appellant's father to him, one can infer the financial status of the appellant who we also find runs a gym.

₹1.75 crores invested in a bank at interest of 8% per annum would yield a return of ₹14 lacs per annum. If we add thereon the rental income which appellant generates as also income from the gym the annual income would be not less than ₹25 lacs per annum.

4. We find no merit in the appeal and hence proceed to dismiss the same in limine.

CM No.45238/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

DECEMBER 06, 2016/skb